

FILED

October 22, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

BY: JP
DEPUTY

JOSE LUIS PEREZ,

Plaintiff,

v.

**FEDEX GROUND PACKAGE
SYSTEM, INC., WJ BISHOP, INC., and
ERIC LAMB,**

Defendants.

Case No.: **DR:24-CV-00083-EG**

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation of the Honorable Matthew Watters, United States Magistrate Judge, filed on October 3, 2024. ECF No. 10. Also pending before the Court is the Parties' Agreed Joint Motion to Remand Case. ECF No. 5. At present, no party has filed objections to the report and recommendation.


Accordingly, the Court need not conduct a *de novo* review of the matter. *See* 28 U.S.C. § 636(b)(1). ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Rather, the Court reviews the report recommendation to determine whether it is erroneous or clearly contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

The Court has examined the report and recommendation and concludes its findings and conclusions are neither erroneous nor clearly contrary to law. The Court therefore **ADOPTS** the findings and conclusions contained within it.

As such, the Parties' Agreed Joint Motion to Remand Case, ECF 5, is **GRANTED**. Removal to district court pursuant to 28 U.S.C. § 1332(a) was improper under 28 U.S.C.

§ 1441(b)(2), which prohibits removal if any of the parties in interest, properly joined and served as defendants, is a citizen of the State in which such action is brought. Therefore, the Court hereby **ORDERS** this case remanded to the 365th Judicial District Court of Maverick County, Texas. It is further **ORDERED** that the case is hereby **DISMISSED**.

SIGNED this 22nd day of October 2024.



ERNEST GONZALEZ
UNITED STATES DISTRICT JUDGE